

**DECISION AND EXPLANATION REGARDING RECIRCULATION
OF THE DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT**

SOITEC SOLAR DEVELOPMENT PROJECT

**Log No. 3910-120005 (ER); 3800 12-010 (GPA); Tierra Del Sol 3300 12-010 (MUP),
3600 12-005 (REZ), 3921 77-046-01 (AP); Rugged Solar 3300 12-007 (MUP)
SCH No. 2012-121-018**

December 30, 2014

Pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15088.5(a), the County of San Diego (County) is required to recirculate a Draft Environmental Impact Report (EIR) when significant new information is added to the Draft EIR after public review of the Draft EIR, but before certification. Significant new information can include changes in the project or environmental setting, as well as additional data or other information. New information added to a Draft EIR is not significant unless the Draft EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect of the project or a feasible way to mitigate or avoid such an effect (including feasible alternatives) that the project's proponents have declined to implement.

BACKGROUND: A Notice of Preparation (NOP) for the Soitec Solar Projects Program Environmental Impact Report was issued on December 6, 2012. The County of San Diego held a public scoping meeting consistent with Public Resources Code section 21083.9 on December 18, 2012, at the Boulevard Fire Training/Community Room located at 39919 Ribbonwood Road.

The County released the Draft Program Environmental Impact Report (DPEIR) for public review and comment on January 2, 2014, and published a Notice of Availability (NOA) setting a 45-day public comment period that was to end on February 17, 2014. On February 12, 2014, the County extended the period for public review to March 3, 2014.

The County received comment letters from individuals, community groups, organizations, and public agencies. The County prepared responses to these comment letters, which are included as Chapter 9.0 of the Final PEIR (FPEIR). The FPEIR includes a Preface that outlines changes made to DPEIR.

DECISION: The Board of Supervisors determines that modifications to the DPEIR for inclusion in the FPEIR, either individually or taken as a whole, do not constitute "significant new information" as defined in Section 15088.5 of the State CEQA Guidelines. As such, the County's decision not to recirculate the DPEIR, either in whole or in part, would not deprive the public of a meaningful opportunity to comment upon substantial adverse effects of the Proposed Project or feasible ways to mitigate or avoid such effects (including feasible project alternatives). The following provides an

explanation of the modifications made to the DPEIR. The described revisions in the FPEIR therefore do not require recirculation.

EXPLANATION: CEQA Guidelines Section 15088.5 states that new information added to a Draft EIR is not significant unless the Draft EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from the others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The Revised Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

CHANGES TO THE DRAFT EIR:

Preface

A Preface has been included in the FPEIR, which describes the summary of changes made to the DPEIR. The Preface is included as the first chapter of the FPEIR. The Preface provides a description of the changes in the FPEIR that are reflected in underline for new text and strike out for deleted text. Minor text changes, such as typographical errors, that were made to the FPEIR as necessary were not described in the preface. The changes do not alter the conclusions of the environmental analysis such that new significant environmental impacts have been identified, nor do they constitute significant new information. The following provides an explanation of notable changes to the project description, environmental analysis and mitigation measures, as also identified in the Preface of the FPEIR.

Additional Information Statement

The Additional Information Statement is a new section of the Program EIR provided to address a new, optional component of the Proposed Project that was not analyzed in the Draft Program EIR. The Additional Information Statement describes the optional

energy storage system for the Rugged solar farm, analyzes its potential to have a significant environmental impact, and concludes that the addition of the energy storage system on the Rugged solar farm site would not affect the conclusions of the DPEIR prepared and circulated for the development of the Proposed Project. Furthermore, replacing approximately 47 CPV trackers, and associated inverters and step-up transformers, with the optional energy storage system would result in a negligible change to the lot coverage percentage of the Rugged solar farm site, and the development footprint would remain the same. As discussed in the Additional Information Statement, these changes do not result in identification of new significant environmental impacts or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation that would clearly lessen the environmental impacts of the project.

Chapter S.0, Summary

The summary chapter was revised to include, for clarification purposes, tracker reductions to the footnotes in Table S-1, Overview of Proposed Project that would result from implementation of M-AE-PP-1 and PDF-AE-1, both of which were included in the Draft Program EIR. Table S-1 was updated to clarify that the project acreages reflect the total area under control of the Proposed Project applicants, although actual areas of disturbance may be reduced and are reflected in further detail in the chapters of the Final Program EIR. The mitigation measures listed in this chapter were updated for clarification purposes. In addition, several mitigation measures relative to biological resources for the programmatic components of the Proposed Project (LanEast solar farm and LanWest solar farm) were removed because the significance conclusions were removed in response to comments. These project components are analyzed at a program level of detail because project design is still conceptual, all project-level data, including site-specific surveys, have not been completed, and no Major Use Permit application have been submitted. The level of specificity of an EIR is governed by the nature of the project and the rule of reason. Accordingly, no significance determination is provided for the LanEast or LanWest sites in instances where focused surveys or other such information necessary to assess impact to biological resources is not available. If Major Use Permit applications are submitted for the LanEast and LanWest solar farms at some point in the future, project-level environmental review will be conducted to evaluate whether there would be a significant environmental impact, and if so, what mitigation measures, if any, would feasibly reduce that impact. These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

Chapter 1.0, Project Description

The Proposed Project description was revised to clarify Proposed Project components and include additional project design features. The changes consist of: (1) clarifications to Table 1-1, Overview of the Proposed Project regarding tracker reductions that would result from implementation of M-AE-PP-1 and PDF-AE-1, both of which were included in the Draft Program EIR, as well as clarifying the project acreages reflect the total area under control of the Proposed Project applicants; actual areas of disturbance may be reduced and are reflected in further detail in the analysis; (2) clarifications regarding site preparation and grading, foundations, soil stabilization and application of soil binding agents, the rock crushing plant, construction water demands; (3) updates to the construction schedule; (4) updates to the cumulative Proposed Projects list; and (5) the editing, addition and deletion of project design features (adding PDF-AE-5; deleting PDF-AQ-3 and PDF-N-2 in favor of making them conditions of approval; and combining PDF-TR-1, PDF-TR-2, and PDF-TR-3 into PDF-TR-1) and converting PDF-AQ-2 to a mitigation measure (M-AQ-PP-2).

Project design feature PDF-AE-5 was added in response to comments and would further ensure that nighttime lighting associated with the Proposed Project remains less than significant. It ensures that outdoor lighting will conform with County of San Diego Light Pollution Code Zone A standards for lamp type and shielding requirements, all outdoor lighting fixtures will be fully shielded and directed downward, motion sensors will be placed on site access lighting, motion sensor infrared cameras will be used for site security, and tracker washing will be limited to evening and morning hours when possible. These voluntary measures go beyond what is required to reduce nighttime lighting impacts to a less than significant level.

Project Design Feature PDF-AQ-2 was revised to be a mitigation measure (M-AQ-PP-2) in order to reduce the significant impact relative to NOx; although impacts remain significant and unavoidable as in the Draft PEIR.

Project Design Feature PDF-AQ-3 listed in the Draft PEIR has been revised to clarify that the dust control measures during project operation previously identified as project design features would be implemented as a condition of approval for the Proposed Project.

Project design feature PDF-HZ-1 was revised to clarify that the Tierra del Sol solar farm gen-tie line will be designed to avoid potentially contaminated soils located within the

San Diego and Arizona Eastern railroad ROW and burn ash observed on APN 658-051-07-00.

Project Design Feature PDF-HZ-3 was revised to clarify that site-specific fire protection plans will be prepared in accordance with Section 4903 of the County of San Diego Consolidated Fire Code.

Project Design Feature PDF-N-2 listed in the Draft PEIR has been revised to clarify that the noise-reducing features previously identified as project design features would be implemented as a condition of approval for the Proposed Project.

Project Design Feature PDF-N-2 (formerly listed as PDF-N-3 in the Draft PEIR) was revised to clarify the rationale for the measure and indicate that the project's construction schedule shall be phased so that geologic testing and any pre-drilling for tracker mast installation will be completed before any pile driving to install tracker masts occurs.

Project Design Feature PDF-PS-1 funding measures were updated to reflect collaboration with the San Diego County Fire Authority (SDCFA). The cost of the Paramedic staff startup kit and annual funding to staff one Paramedic staff firefighter was increased to reflect SDCFA startup and ongoing costs. Other elements of PDF-PS-1 (i.e., Type VI Fire Engine and fire prevention funding) were removed as unnecessary to ensure that SDCFA emergency medical response capabilities would be adequate to meet response times with the construction of the Proposed Project.

Project Design Features PDF-TR-1, PDF-TR-2 and PDF-TR-3 listed in the Draft PEIR were combined into one Project Design Feature PDF-TR-1.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

Chapter 2.0, Significant Environmental Effects of the Proposed Project

The Final EIR includes changes to the environmental analysis provided in Chapter 2.0, Environmental Effects of the Proposed Project. These changes and additions consist of clarifications and additional design considerations in response to comments received during public review of the Draft PEIR. The following explains the most notable changes to the environmental analysis for each applicable issue area.

Aesthetics:

- The DPEIR was revised to include an analysis of visual changes to the existing landscape experienced from the small community of Ejido Jardines Del Rincon located in Mexico.
- Project design feature PDF-AE-5 was added to confirm voluntary commitments by the applicants regarding nighttime lighting. See Chapter 1.0, above.
- Added statement that glare effects associated with the Proposed Project are unique to renewable solar energy development and would be localized to a distance of one mile from the Proposed Project sites. Beyond one mile, reflections from trackers would project high enough above the terrain to avoid KOPs within the study area. This information was included in Appendix 2.1-3 of the Public Review DPEIR and has been added to Section 2.1, Aesthetics, for further clarification.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

Air Quality:

- Amended PDF-AQ-1 to clarify internal construction roadways will be stabilized by paving, application of an aggregate base material (such as disintegrated granite), or chip sealing after rough grading.
- Removed erroneous reference to hydroseeding in PDF-AQ-1 and PDF-AQ-3.
- Included discussion of health effects associated with the potentially significant impacts related to NO_x and PM₁₀ emissions.
- Added M-AQ-PP-2 (formerly PDF-AQ-2) to address NO_x emissions related to construction worker trips during Proposed Project construction. However, impacts to NO_x remain significant and unavoidable.
- Revised LanEast and LanWest significance determinations regarding conformance to Federal and State ambient air quality standards during operation based

on evidence that these solar farms would operate similar to Tierra del Sol and Rugged solar farms and are comparatively smaller in size and scale

- Added Supplemental Air Quality Analysis as part of the Responses to Comments (see Appendix 9.0-5) to address the additional water truck trips associated with the increase in water demand, the optional energy storage system and to reflect the tracker reductions that would result from implementation of M-AE-PP-1 and PDF-AE-1, both of which were included in the Draft Program EIR.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

Biological Resources:

- Updated analysis to reflect that the Townsend's big-eared bat (*Corynorhinus townsendii*) was recently added as a State Candidate species. Potential impacts to the Townsend's big-eared bat were previously discussed in the Draft Program EIR under Guideline B (County Group I species, or Species of Special Concern).
- In addition to the northern off-site access road, a western off-site access road was added into the analysis and impact acreage calculations. The western off-site access road was included in past site plan designs and was analyzed in the 2011 rare plant survey and June 2012 site visit; this previously prepared data has been incorporated into the analysis. Both off-site access roads are proposed only in the event that Rough Acres Ranch MUP 3300-09-019 and associated Rough Acres Ranch Road is not constructed. If required, the addition of the western off-site access road would require an additional 2.8 acres of disturbance, for which an additional 1.6 acres of offsite mitigation would be required. The western off-site access road would result in a minor increase to previously identified biological resources impacts, which can be mitigated to a less than significant level. No new types of species would be impacted by the development of the western off-site access road beyond those already analyzed in the Draft Program EIR. In addition, minor modifications to the impacts associated with the northern off-site access road were made.
- To meet USFWS requests, the DPEIR has been revised to state that additional surveys for federally-listed endangered Quino checkerspot butterfly will be conducted in 2015. These voluntary surveys are above and beyond the requirements necessary to satisfy CEQA analysis needs.

- Where insufficient data exists to fully analyze a program level portion of the Proposed Project (LanEast and LanWest), the DPEIR notes this and refrains from making findings of significance. See Chapter S.0, Summary, above. The DPEIR was revised to refrain from making certain significance conclusions related to some of the candidate, sensitive, or special-status species and wildlife movement thresholds, and for the jurisdictional wetlands and waterways thresholds.
- Regarding special-status wildlife, particularly bird and bat species, although impacts would be less than significant the applicant has voluntarily agreed to implement a Bird and Bat Monitoring Program as a condition of approval for the Proposed Project. The applicant will contract a County approved biologist to train site O&M staff to perform self-monitoring of the project site for bird and bat strikes for a period of three years. Refer to Section 2.3.3.1, Guideline H, for further details.
- Relabeled mitigation measure M-BI-TDS-1 to M-BI-PP-13 to clarify that it applies to the Proposed Project. This measure ensures all transmission and distribution towers and lines are designed to conform to Avian Power Line Interaction Committee (APLIC) standards.
- Revised M-BI-PP-15 (related to water level monitoring for existing oak woodlands) to include more detailed information.
- Relabeled Impacts BI-R-28, BI-R-29, BI-R-30, BI-R-31, BI-R-32, BI-R-32, BI-LW-27, BI-LW-28, BI-LW-29, BI-LW-30, BI-LW-31, BI-LW-32, and BI-LW-33 to correct clerical numbering errors.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

Land Use and Planning:

- Clarified the setbacks for the Proposed Project and confirmed that they are greater than those required by the County of San Diego Zoning Ordinance for the underlying A70 and S92 zones.
- Added more rationale as to why the LanEast and LanWest land use impact is significant and unavoidable. As indicated above and in Table 1-11, Approvals/Permits

Expected to be Obtained, LanEast and LanWest would require a General Plan Amendment. Compliance with the County General Plan and other applicable land use plans and policies is a prerequisite for project approval. The LanEast and LanWest solar farms are analyzed at a programmatic level and no permits for these projects are currently being sought.

- Added reference to Mitigation Measure M-AE-PP-1 as described in Section 2.1.6.1, which would help reduce the potential land use impacts LU-LE-1 and LU-LW-1. However, direct and cumulative impacts to scenic and panoramic vistas as a result of the LanEast and LanWest solar farms would remain significant and unmitigable, as would impacts LU-LE-1 and LU-LW-1 because they also relate to scenic impacts along I-8.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

Noise:

- Added information regarding the Tule Wind Proposed Project to the cumulative analysis.
- To address comments requesting quantification of infrasound and low-frequency noise, an Infrasound and Low-Frequency Noise Memorandum (Appendix 9.0-3) was prepared and incorporated into this section. The Infrasound and Low-Frequency Noise Memorandum includes measurements of key noise components at the concentrator photovoltaic (CPV) solar facility located in Newberry Springs, CA. The solar facility at Newberry Springs, CA deploys CPV technology that is comparable to that of the Proposed Project analyzed in the DPEIR, such as CPV electric generation systems and associated inverters and transformers.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

Chapter 3.0, Effects Found Not To Be Significant

The Final EIR includes changes to the environmental analysis provided in Chapter 3.0, Effects Found Not To Be Significant. These changes and additions consist of clarifications in response to comments received during public review of the Draft PEIR. The following explains the most notable changes to the environmental analysis for each applicable issue area.

Agriculture and Forestry Resources:

- Clarified zoning for the Rugged solar farm site.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

Hazards and Hazardous Materials:

- Added Title 24 of the California Code of Regulations, Part 3 – California Electrical Code to the regulatory setting.

Hydrology and Water Quality:

- Analyzed additional construction water demand for several Proposed Project components, including:
 - The Tierra del Sol gen-tie line,
 - The temporary batch plant and rock crushing facility (Rugged Solar Farm),
 - Water requirements for facility foundations (other than CPV tracker foundations),
 - Dust control,
 - Soil binding agent application,
 - Fire protection requirements (water tanks), and
 - Noxious weed mitigation.
- Although construction water demand for the Proposed Project has increased, the combination of on-site and off-site water sources can meet the water demand without having a significant impact on groundwater levels.

As discussed in the FPEIR, although construction water demand for the Proposed Project has increased, the combination of on-site and off-site water sources can meet the water demand without having a significant impact on groundwater levels.

- Added project design feature PDF-HY-1. See Chapter 1.0, Project Description, above.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

Public Services:

- Updated project design feature PDF-PS-1 funding measures to reflect collaboration with the San Diego County Fire Authority (SDCFA). The cost of the Paramedic staff startup kit and annual funding to staff one Paramedic staff firefighter was increased to reflect SDCFA startup and ongoing costs. Other elements of PDF-PS-1 (i.e., Type VI Fire Engine and fire prevention funding) were removed as unnecessary to ensure that SDCFA emergency medical response capabilities would be adequate to meet response times with the construction of the Proposed Project.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

Transportation and Traffic:

- Edited project design feature PDF-TR-1 for clarification purposes.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

Utilities and Services Systems:

- Updated the permitted disposal rate-throughput for Sycamore Landfill.

- Updated information to reflect the additional water demand for several Proposed Project components as analyzed in 3.1.5, Hydrology and Water Quality. See Hydrology and Water Quality, above.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

Population and Housing:

- Updated the number of workers for project components to be consistent with the project description.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

Chapter 4.0, Project Alternatives

- Added and analyzed a new alternative, the Tailored Proposed Project and No LanEast and LanWest Alternative (Alternative 2A). Alternative 2A would reduce the Tierra del Sol solar farm by approximately 99 trackers (4% from the original Tierra del Sol project), the Rugged solar farm by approximately 177 trackers (5% from the original Rugged project), and would entirely remove the LanEast and LanWest solar farms, which is approximately 1,164 trackers. The total reduction of trackers equates to approximately 20% as compared to the Proposed Project. The Tierra del Sol gen-tie would remain unchanged from the Proposed Project under this alternative. Alternative 2A is based on Alternative 2, previously analyzed in the Draft Program EIR, and was added in response to comments received. Alternative 2A differs from Alternative 2 in that it would eliminate less trackers from the Rugged and Tierra del Sol sites than Alternative 2 by tailoring the tracker reduction to reduce aesthetics and air quality impacts while still achieving the Project objectives.
- Added discussion to supplement the reasoning provided in the Draft Program EIR as to why the Distributed Generation Policy – Rooftop Solar Panels and Other Alternative Fuel Supplies Alternative – was considered but rejected. This information was added in response to comments received.
- Edited the chapter to remove the statement that the applicants have the ability to acquire the Los Robles site based on changed circumstances.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

Chapter 7.0, List of Mitigation Measures and Environmental Design Considerations

- Added project design feature (PDF-AE-5) for the reasons described above.
- Relabeled mitigation measure M-BI-TDS-1 to MM-BI-PP-13 for the reasons described above.
- Minor edits to other mitigation measures for clarification purposes; see Chapter 7.0 for revisions to existing text signified by strikeout (i.e., ~~strikeout~~) where text is removed, and by underlined text (i.e., underline) where text is added.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

Chapter 8.0, Other CEQA Considerations

This chapter was added to the Program EIR. This chapter summarizes the information presented in Chapters 2.0 and 3.0 of the Draft Program EIR to address the broader questions posed by the CEQA Guidelines, Section 15126.2. These include significant effects that cannot be mitigated to less than significant levels, significant irreversible environmental changes, and growth-inducing impacts.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

Chapter 9.0, Responses to Comments

This chapter was added to the Program EIR. This chapter contains all comments received on the Draft Program EIR and responses thereto. This chapter also includes new appendices that have been added to the Program EIR for additional information related to responses to comments; they are listed as follows:

- 9.0-1 Health Issues Related to the Static and Power-Frequency Electric and Magnetic Fields (EMFs) of the Soitec Solar Energy Farms
- 9.0-2 Critique of “Impacts of Soitec Solar Projects on Boulevard and Surrounding Communities,” by Dr. Victor M. Ponce, dated 15 November 2013
- 9.0-3 Infrasound and Low-Frequency Noise, Tracker Motor and Fenceline Noise Measurements at Newberry Springs Solar Facility
- 9.0-4 Review of Bat Data Related to Soitec Boulevard Portfolio
- 9.0-5 Supplemental Air Quality Analysis – Project Changes
- 9.0-6 20% Contingency for Operational Water Demand – Revised Analysis
- 9.0-7 Revisions to Project Design Feature (PDF) PS-1

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

Conclusion

Modifications to the Draft Program EIR for inclusion in the Final Program EIR, either individually or taken as a whole, do not constitute “significant new information” as defined in Section 15088.5 of the State CEQA Guidelines. The modifications as discussed above and provided in the Preface of the Final Program EIR do not show that: (1) new significant environmental impacts from the Proposed Project or from new mitigation measures were disclosed; (2) a substantial increase in the severity of environmental impacts were disclosed for which adequate mitigation could not be adopted to reduce the impact to below a level of significance; (3) feasible alternatives or mitigation measures considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the Proposed Project, but which the Proposed Project proponents decline to adopt were disclosed; or (4) that the Draft Program EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

As such, the County’s decision not to recirculate the Draft Program EIR, either in whole or in part, would not deprive the public of a meaningful opportunity to comment upon substantial adverse effects of the Proposed Project or feasible ways to mitigate or avoid such effects (including feasible project alternatives. The described revisions in the Final Program EIR therefore do not require recirculation.